

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: November 3, 2015
SUBJECT: BZA Case 19098 - request for special exception relief under § 223 for 2125 10th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to § 223:

- § 403, Lot Occupancy (maximum 60 percent permitted, 65.2 percent proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2125 10 th Street, N.W.
Applicant	Kevin Murphy
Legal Description	Square 358, Lot 55
Ward	1B
Lot Characteristics	Rectangular lot with rear alley access
Zoning	R-5-B: moderate density residential
Existing Development	One-family row dwelling, permitted in this zone.
Adjacent Properties	Row houses, flats and apartments
Surrounding Neighborhood Character	Moderate density residential

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to enclose a nonconforming open court at the rear of the dwelling on the first and second floors. The back door and rear windows would be altered to accommodate the addition.

V. ZONING REQUIREMENTS

R-5-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	50-foot max.	22.2 feet	22.2 feet	None required
Lot Width § 401	None prescribed	13.5 feet	13.5 feet	None required
Lot Area § 401	None prescribed	797 SF	797 SF	None required
Floor Area Ratio § 402	1.8 max.	1.3	1.3	None required
Lot Occupancy § 403	60% max.; 70% by SE	65.2%	65.2%	Required
Rear Yard § 404	15-foot min.	21 feet	21 feet	None required

VI. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The subject application is for relief from Section 403, Lot Occupancy, to permit an addition to a one-family row house within the R-5-B district.

223.2 The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The proposed building addition would occupy and be located within the existing open court at the rear of the subject property only, and not extend into the rear yard. No windows or doors of adjacent dwellings would be blocked.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed addition would not extend into the rear yard and the minimum rear yard would continue to be provided. The number of windows in the rear of the dwelling would be reduced from four to one, maintaining the privacy of adjoining neighbors.

- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The addition as viewed from the public alley would not substantially alter the character, scale and pattern of the houses, but rather fill in a narrow 3.3 foot wide open court.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant submitted plans, photographs and elevations sufficient to represent the proposed addition.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy is 65.2 percent, equal to the existing, and less than the maximum of 70 percent permitted within the R-5.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The Office of Planning makes no recommendations for special treatment.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application makes would result in the introduction or expansion of a nonconforming use.

VII. AGENCY COMMENTS

The District Department of Transportation, in a memorandum dated September 22, 2015, indicated that it had no objection to the application.

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

No comments were received from ANC 1B.

The map shows a portion of the City of Minneapolis, divided into two main sections by a vertical dashed line. The left section is labeled **R-5-B** and the right section is labeled **ARTS/C-2-B**. A yellow callout box labeled **SITE** points to a specific lot in the right section.

Streets:

- W ST NW:** A horizontal street at the top of the map.
- 10TH ST NW:** A vertical street running through the center of the map.
- 1008 W ST NW:** A vertical street on the far left.
- 10916 - 10920 W ST NW:** A vertical street on the right side.

Lots and Addresses:

- Left Section (R-5-B):**
 - LOT 43: 1008 W ST NW
 - LOT 44: 1006 W ST NW
 - LOT 46: 2122 10TH ST NW
 - LOT 47: 2122 10TH ST NW
 - LOT 48: 2120 10TH ST NW
 - LOT 49: 2118 10TH ST NW
 - LOT 50: 2116 10TH ST NW
 - LOT 51: 2114 10TH ST NW
 - LOT 27: 2112 10TH ST NW
 - LOT 28: 2110 10TH ST NW
 - LOT 29: 2108 10TH ST NW
 - LOT 30: 2106 10TH ST NW
- Right Section (ARTS/C-2-B):**
 - LOT 39: 2130 10TH ST NW
 - LOT 40: 2128 10TH ST NW
 - LOT 41: 2126 10TH ST NW
 - LOT 42: 2124 10TH ST NW
 - LOT 54: 2123 10TH ST NW
 - LOT 53: 2121 10TH ST NW
 - LOT 56: 2127 10TH ST NW
 - LOT 57: 2129 10TH ST NW
 - LOT 60: 922 W ST NW
 - LOT 61: 922 W ST NW
 - LOT 71: 2130 10TH ST NW
 - LOT 12: 2119 10TH ST NW
 - LOT 65: 2117 10TH ST NW
 - LOT 09: 2109 10TH ST NW

Other Features:

- A yellow callout box labeled **SITE** points to a lot in the right section.
- A north arrow is located in the bottom right corner.